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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAVAUD DESMOULINS, et al., :
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Plaintiffs, : **ORDER**
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-against- : 08 Civ. 0086 (BMC)(RER)
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CITY OF NEW YORK, et al., :
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Defendants. :
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COGAN, District Judge.

Plaintiffs' motion [22] to compel me to disclose whether I am Jewish and, if so, to recuse myself from hearing this case is denied as frivolous. The Second Circuit has specifically found that "it is *intolerable* for a litigant, without any factual basis, to suggest that a judge cannot be impartial because of his or her race and political background." MacDraw, Inc. v. CIT Group Equipment Financing, Inc., 157 F.3d 956, 963 (2d Cir. 1998) (emphasis added). See also MacDraw, Inc. v. CIT Group Equipment Financing, Inc., 138 F.3d 33, 37 (2d Cir. 1998) ("The fact that a political controversy may be perceived by some as involving racial or ethnic aspects is not grounds for questioning in an entirely separate matter the impartiality of a judge of that race or ethnicity toward attorneys who are also involved in the controversy"); United States v. El-Gabrowni, 844 F.Supp. 955, 961-62 (S.D.N.Y. 1994) (refusing to answer questions posed regarding judge's religious affiliation and connection, if any, to Israel); Blank v. Sullivan & Cromwell, 418 F.Supp. 1, 4 (S.D.N.Y. 1975) (sex or race is improper basis for recusal); Pennsylvania v. Local Union 542, Int'l Union of Operating Eng'rs, 388 F.Supp. 155, 163

(E.D.Pa. 1974) (“A suggestion that a judge cannot administer the law fairly because of the judge's racial and ethnic heritage is extremely serious and should not be made without a factual foundation going well beyond the judge's membership in a particular racial or ethnic group”).

SO ORDERED.

/Signed by Brian M. Cogan/

U.S.D.J.

Dated: Brooklyn, New York
July 14, 2008